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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MILLEN,WHITE,ZELANO & BRANIGAN, P.C.  
2200 Clarendon Blvd, Suite 1400  
Arlington, VA 22201

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/027,439

Applicant(s)

PORTUGAL ET AL.

Examiner

Jehanne Souaya Sitton

Art Unit

1634

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 03 November 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH** or **THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1.  The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2.  The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4.  The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5.  The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6.  A single ground of rejection has been applied to two or more claims in this application, and
  - (a)  the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b)  the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7.  The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9.  Other (including any explanation in support of the above items):

With regard to section 6b above, see 37 CFR 1.192 (c ) (7) for an explanation as to what is required to comply with 37 CFR 1.192(c ) (8). With regard to section 8 above, the appendix does not accurately reflect the claims on appeal. The appendix contains both: versions of claims on appeal (ie: claims 47 and 48) but also includes claims that have been amended (and not entered) after the final rejection mailed 5/1/2003 (ie: claims 55 and 57-58). Further, for example, claim 56 in section d contains subject matter not related to this application. Such discrepancy in the the appendix is at odds with the statement with regard to 37 CFR 1.192(c )(3) and 37 CFR 1.192(c )(4) made in the brief which references the appendix and claims on appeal.

Jehanne Souaya Sitton  
Primary Examiner  
Jehanne Sitton  
12/15/03